

ARKANSAS DEPARTMENT OF EDUCATION EMERGENCY RULES
GOVERNING SCHOOLS OF INNOVATION
2014

1.00 PURPOSE

- 1.01 These rules shall be known as the Arkansas Department of Education Rules Governing the Schools of Innovation Program.
- 1.02 The purpose of these rules is to improve education in Arkansas and to set forth the process and procedures necessary to administer the Schools of Innovation Program.

2.00 AUTHORITY

- 2.01 The Arkansas State Board of Education promulgated these rules pursuant to the authority granted to it by Act 601 of 2013 and Ark. Code Ann. §§ 6-11-105 et seq. and 25-15-201 et seq.

3.00 DEFINITIONS

- 3.01 “District of innovation” means a public school district with one or more schools of innovation that has:
 - 3.01.1 Developed a school of innovation plan in compliance with Ark. Code Ann. § 6-15-2801 et seq. and these rules;
 - 3.01.2 Obtained necessary exceptions from laws, rules, and local policies to improve the educational performance of students from Commissioner of Education in accordance with Sections 8.00 and 10.00 of these rules; and
 - 3.01.3 Been approved as a district of innovation by the Commissioner of Education
- 3.02 “Eligible employees” means the employees who are employed at a school that is considering being designated as a school of innovation;
- 3.03 “Innovation” means a new or creative alternative to the existing instructional and administrative practices that is intended to improve academic performance and learning for all students;

3.04 “School council of innovation” means a body of individuals from a current or aspiring school of innovation composed of teachers, classified employees, the building-level principal or his or her administrative designee, parents, community members, a minimum of two (2) students from the school of innovation, and other interested parties selected by the council to participate, as referred to in Section 4.00 of these rules.

3.04.1 The teacher representatives shall be elected by a majority vote of the school's licensed eligible employees.

3.04.2 The classified representatives shall be elected by a majority vote of the school's classified eligible employees.

3.04.3 The parent representatives shall be selected by a majority vote of the attendees at a meeting called for the purpose of selecting the school's parent representatives and shall have a child in the school to be eligible to serve on the council.

3.04.4 Schools with a ten percent (10%) or greater minority student population shall have minority representation on the council.

3.05 “School of innovation” means a school that participates in a district of innovation to transform and improve teaching and learning.

3.06 The terms “exemption” and “exception” are used interchangeably in these Rules and refer to approval by the Commissioner of Education for a specific District or School of Innovation to depart from specific laws, rules or regulations governing public school districts.

4.00 COUNCIL OF INNOVATION

4.01 The school council of innovation shall:

4.01.1 Generate innovative ideas and proposals of its own;

4.01.2 Determine a method for requesting innovative ideas and proposals from school employees, community members, and other stakeholders to be submitted to the council;

4.01.3 Receive innovative ideas and proposals from school employees, community members, and other stakeholders;

4.01.4 Consider all innovative ideas and proposals submitted by community members and other stakeholders; and

4.01.5 Determine the content and format of the plan that will be voted on by the eligible employees.

4.02 The council may create subcommittees, which may include non-council members, to work on developing portions of the plan; and

4.03 A school of innovation's plan is subject to the exceptions approved by the Commissioner of Education.

5.00 DESIGNATION and REVOCATION

5.01 The Commissioner of Education may approve and designate a public school as a school of innovation for the purpose of transforming and improving teaching and learning.

5.01.1 A school of innovation shall be approved and designated for a period of four (4) years and

5.01.2 may be renewed for four-year periods thereafter, at the Commissioner's discretion.

5.01.3 The Commissioner will notify the applicant in writing whether the Plan is approved or denied.

5.01.3.1 If the Commissioner denies the application and declines to designate the applicant as a school of innovation, the Commissioner will include the reasons for the denial.

5.02 The Commissioner may revoke the school of innovation designation if a school fails to:

5.02.1 Substantially fulfill the school's innovation plan;

5.02.2 Meet goals and performance targets; or

5.02.3 Comply with applicable laws or rules.

5.03 A revocation of the Commissioner's designation of a school of innovation may be made at any time.

5.04 The Commissioner's decision to approve or deny an application, or to revoke a school's designation shall be a final decision.

5.05 The Commissioner's decision cannot be appealed.

6.00 PROGRAM REQUIREMENTS

- 6.01 Rules subject to exemption or modification for a school of innovation plan, if approved by the commissioner, are included in Section 10.00 of these rules.
- 6.02 Application, plan review, approval, and amendments
 - 6.02.1 The Application shall be in the form of a Plan of Innovation (Plan). Schools must apply online as directed on the Department of Education's website.
 - 6.02.2 Instructions for submission of the Plan shall be published on the Department of Education's website.
 - 6.02.3 Guidelines for submission of proposed amendments to the Plan shall be published on the Department of Education's website.
 - 6.02.4 Guidelines for requesting a four-year renewal shall be published on the Department of Education's website. The review of renewal applications will be based on the school of innovation's own statement of goals and performance targets as required by 7.02 of these rules.
- 6.03 Specific timelines for revisions prior to approval, amendments, and renewals, including any ongoing evaluations of a school of innovation, shall be posted on the Department of Education's website.
 - 6.03.1 Beginning in school year 2014-2015, the deadline to submit original applications online is March 1. The deadline to submit final revisions is June 30.
- 6.04 Process for revocation of a designation as a District or school of innovation:
 - 6.04.1 The Commissioner will notify the District or school of Innovation in writing and include the reasons for the revocation.
 - 6.04.2 The Commissioner's decision to revoke a designation will be final.
- 6.05 Reporting requirements and oversight responsibility of the school of innovation and the Department of Education shall be published on the Department's website;

7.00 INNOVATION PLAN

7.01 A school district shall submit its school of innovation plan, approved by the school board of directors, to the Commissioner of Education for approval to become a school of innovation.

7.02 A school of innovation plan shall address without limitation:

7.02.1 The goals and performance targets for the school of innovation, which may include:

7.02.1.1 Reducing the achievement gap among one (1) or more groups of students by accelerating learning experiences for academically low- achieving students while increasing all student learning through the implementation of highly rigorous standards for student performance;

7.02.1.2 Increasing student participation in curriculum options;

7.02.1.3 Exploring new avenues for expanding students' college and career readiness;

7.02.1.4 Motivating students by exploring innovative teaching and learning choices;

7.02.1.5 Transforming a school's culture and climate in a manner that will lead to transformative teaching and learning.

7.02.1.6 Changes needed in the school that will lead to better prepared students for success in life and career; and

7.02.1.7 Innovative practices to be used in the school of innovation.

7.03 The Plan shall include appropriate documentation of:

7.03.1 Evidence of parental, school employee, and community engagement;

7.03.2 Evidence of capacity for the changes proposed by the school of innovation;

7.03.3 Rationale for law, rule, and local policy exception request;

7.03.4 Progress toward goals and performance targets;

7.03.5 Evidence of approval of eligible employees of a school of innovation, as required in Section 9.00 of these rules.

7.03.6 Evidence of teacher collaboration and shared leadership responsibility within each school seeking to become a school of innovation.

7.03.7 A detailed budget and related financial information

7.03.8 References for research-based practices, and

7.03.9 Other information if requested by the Commissioner.

8.00 MANDATORY COMPLIANCE WITH EXISTING LAW

8.01 An approved school of innovation shall:

8.01.1 Ensure that the same health, safety, civil rights, and disability rights requirements are in place as those that apply to all other public schools;

8.01.2 Ensure that the high school curriculum offered meets or exceeds the minimum high school graduation requirements adopted by the State Board of Education;

8.01.3 Adhere to financial audits, audit procedures, and audit requirements adopted by the state board for public school districts;

8.01.4 Require criminal background checks for school employees and volunteers as required by law for public school districts;

8.01.5 Comply with open records and open meeting requirements;

8.01.6 Comply with purchasing limitations and requirements;

8.01.7 Provide instructional time that:

8.01.7 .1 Meets or exceeds the instructional time requirement adopted by the state board unless granted an exception by the Commissioner of Education.

8.01.7.2 Instructional time may include on-site instruction, distance or virtual learning, and work-based learning on nontraditional school days or hours;

8.01.8 Provide data requested by the Department of Education to generate reports; and

8.01.9 Adhere to the Teacher Fair Dismissal Act, § 6-17-1501 et seq.

9.00 ELECTION BY ELIGIBLE EMPLOYEES

9.01 Before a public school district submits a school of innovation plan to the commissioner, the eligible employees of each proposed school of innovation shall vote on whether the school shall be designated a school of innovation.

9.01.1 A minimum of sixty percent (60%) of the eligible employees voting in support of the school's designation as a school of innovation is required before the school's innovation plan may be submitted to the school board of directors for approval.

9.01.2 The school council of innovation shall be responsible for conducting the vote required under subdivision 9.01.1 of these rules.

10.00 EXCEPTIONS

10.01 A school of innovation plan may request exemptions from local policies and specific laws and rules approved for exemption or modification by the State Board, to include

10.01.1 Any provision of law or rule governing public school districts

10.01.2 which is *required* to implement or to support the Plan of Innovation

10.02 No exemptions will be granted from the Teacher Fair Dismissal Act, Ark. Code Ann. § 6-17-1501 et seq., or of any provision described in Section 8.00 of these rules.

11.00 NEGOTIATED EMPLOYMENT CONTRACTS

11.01 A public school district with a negotiated employment contract in place shall follow the procedure set forth within the contract that allows the implementation of a school of innovation.

12.00 EMERGENCY CLAUSE

WHEREAS, Act 601 of 2013 revised Arkansas law related to the designation of a School of Innovation and became effective on or about April 4, 2013; and

WHEREAS, Act 601 of 2013 requires the Arkansas Department of Education to receive receive and review applications for the Schools of Innovation Program; and

WHEREAS, the Commissioner of Education must immediately begin his new role to approve or deny applications for the Schools of Innovation Program;

THEREFORE, the State Board of Education hereby determines pursuant to Ark. Code Ann. § 25-15-204 that imminent peril to the welfare of Arkansas public school students, parents and public school districts will result without the immediate promulgation of these rules.

NOTE: This document is attached for purposes of the Rulemaking process only. The official application is entirely digital, administered through ADE Data Center.

Schools of Innovation Application

District Name: _____ **Date of Application:** _____ **LEA#:** _____

Address: _____ **Phone:** _____

School Name: _____ **LEA#:** _____

Contact Person/Title: _____

School's most recent accountability status

_____ Priority _____ Focus _____ Needs Improvement _____ Achieving _____ N/A

Is this an ALE school? ____YES ____NO

School of Innovation's Vision and Mission:

Describe the significance of the School of Innovation designation to your district. Be sure to include justifications for why your district should be granted "School of Innovation" status.

Please address the following:

- *Describe your school's educational philosophy. Explain how goals and performance standards in your plan help to transform and improve current models of student learning necessary for college and career readiness.*
- *Describe how the proposed innovation plan reflects a commitment to your school's vision and mission and explain how these innovative changes also enhance the district's overarching vision and mission.*

Goals and Performance Targets

Identify the goals and performance targets for the School of Innovation. Please be specific. Include indicators you will use to measure progress on each goal and our performance target.

*Goals and performance targets **may** include but are not limited to:*

- *Reducing the achievement gap among one (1) or more groups of students by accelerating learning experiences for academically low- achieving students;*
- *Increasing student participation in curriculum options;*
- *Exploring new avenues for expanding college and career readiness options;*
- *Motivating students by exploring innovative teaching and learning choices;*
- *Transforming a school's culture and climate in a manner that will lead to transformative teaching and learning; and*
- *Describing changes that will better prepare students for success in life and career.*

Requested Waivers

Identify all specific state code provisions, rules, or local policies being requested in the School of Innovation plan. Please provide specific rationale for the waiver. Applicants must reference one or more Goals or Performance Targets for the rationale.

Code section, Rule, or Local Policy:

Rationale:

Specific Goal or Performance Target:

Documentation

- Evidence of how parents, community and school employees are engaged
 - Examples could include:
 - Meeting agendas
 - Sign-in sheets
- Opportunities for teacher collaboration and shared leadership responsibility
 - Examples could include:
 - Schedules
 - PLC minutes or notes
 - Agendas
- Required election results
 - Licensed and non-licensed employee results
 - Parent
 - Student
 - Community
 - Minority representation if required
- Examples of professional development strategies that will be used to prepare faculty and staff for the proposed innovation

- Demonstrate how the professional development will increase the level of success in student learning and innovation
- Describe how the proposed professional development will lead to greater district-wide reform beyond the participating school
- Examples could include
 - Agendas
 - Brochures
 - Needs Assessment Survey
- Evidence of capacity, including a detailed budget and related financial information
 - Examples could include
 - Fiscal distress information
 - Special Purchases
- References for research-based practices
- Resolution by Board of Directors, approving the plan.
 - This Resolution should include any waivers granted from local policies
 - This should be a copy of the approved minutes of the Board meeting
- Statement of Assurances
- Additional information

SCHOOLS OF INNOVATION APPLICATION STATEMENT OF ASSURANCES

The signature of the superintendent certifies that the following statements are and will be addressed through policies already in place, or adopted by the School of Innovation; and, if the application is approved, the School of Innovation shall abide by them:

1. The information submitted in this application is true to the best of my knowledge and belief.
2. The School of Innovation shall be open to all students, and shall not discriminate in its admission policy on the basis of gender, national origin, race, ethnicity, religion, disability, or academic or athletic eligibility, except as follows: the School of Innovation may adopt admission policies that are consistent with federal law, regulations, or guidelines applicable to the school's Plan of Innovation.
3. In accordance with federal and state laws, the School of Innovation hiring and retention policies of administrators, teachers, and other employees shall not discriminate on the basis of race, color, national origin, creed, sex, ethnicity, sexual orientation, mental or physical disability, age, ancestry, or special need.
4. The School of Innovation shall operate in accordance with federal laws and rules governing public schools; applicable provisions of the Arkansas Constitution; and state statutes or regulations governing public schools which are not specifically waived by the Commissioner of Education.
5. A School of Innovation shall not use the moneys that it receives from the state for any sectarian program or activity, or as collateral for debt.
6. The School of Innovation shall not impose taxes or charge students tuition or fees that would not be allowable charges in the public school districts.
7. The School of Innovation shall not be religious in its operations or programmatic offering.
8. The employees and volunteers of the School of Innovation are held immune from liability to the same extent as other public school district employees and volunteers under applicable state laws.
9. The School of Innovation shall comply with all health and safety laws, rules and regulations of the federal, state, county, region, or community that may apply to the facilities and school property.
10. The applicant confirms the understanding that certain provisions of law shall not be waived. The School of Innovation is subject to any prohibition, restriction, or

requirement imposed by Title 6 of the Arkansas Code Annotated and any rule and regulation approved by the State Board of Education, and any federal statute or regulation, and specifically confirms that it will:

- Ensure that the same health, safety, civil rights, and disability rights requirements are in place as those that apply to all other public schools;
- Ensure that the high school curriculum offered meets or exceeds the minimum high school graduation requirements adopted by the State Board of Education;
- Adhere to financial audits, audit procedures, and audit requirements adopted by the state board for public school districts;
- Require criminal background checks for school employees and volunteers as required by law for public school districts;
- Comply with purchasing limitations and requirements;
- Provide instructional time that: Meets or exceeds the instructional time requirement adopted by the state board unless granted an exception by the Commissioner of Education.
- Provide data requested by the Department of Education to generate reports; and
- Adhere to the Teacher Fair Dismissal Act, § 6-17-1501 et seq.

Signature of Superintendent

Date _____

NOTE: This document must accompany all applications for the Arkansas School of Innovation program.